

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erin Sweeney	Team: Squad #8	CCRB Case #: 201501263	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 02/19/2015 5:49 AM	Location of Incident: § 87(2)(b)	Precinct: 67	18 Mo. SOL 8/19/2016	EO SOL 8/19/2016	
Date/Time CV Reported Sat, 02/21/2015 8:33 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 02/21/2015 8:33 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Ashland Menelas	14410	940466	067 PCT
2. POF Yanique Jean	05620	936082	067 PCT
3. SGT Daniel Gong	01587	938588	067 PCT
4. POF Sophia Rodriguez	09718	937416	067 PCT
5. CPT Erik Worobey	00000	932229	067 PCT
6. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Ashland Menelas	Abuse: PO Ashland Menelas entered § 87(2)(b) § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.CPT Erik Worobey	Abuse: Cpt. Erik Worobey entered § 87(2)(b) § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.POM Ashland Menelas	Force: PO Ashland Menelas used physical force against § 87(2)(b)	§ 87(2)(b)
D.SGT Daniel Gong	Force: Sgt. Daniel Gong used physical force against § 87(2)(b)	§ 87(2)(b)
E.CPT Erik Worobey	Force: Cpt. Erik Worobey used physical force against § 87(2)(b)	§ 87(2)(b)
F.POM Ashland Menelas	Discourtesy: PO Ashland Menelas spoke rudely to § 87(2)(b)	§ 87(2)(b)
G.POF Yanique Jean	Abuse: PO Yanique Jean interfered with § 87(2)(b) ability to photograph an incident.	§ 87(2)(b)
H.POF Sophia Rodriguez	Abuse: PO Sophia Rodriguez refused to provide her name and shield number to § 87(2)(b)	§ 87(2)(b)
I.POM Ashland Menelas	Force: PO Ashland Menelas used a chokehold against § 87(2)(b)	§ 87(2)(b)
J.POM Ashland Menelas	Force: PO Ashland Menelas restricted § 87(2)(b)'s breathing.	§ 87(2)(b)
K. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Case Summary

On February 19, 2015, at approximately 5:49 a.m., PO Ashland Menelas, PO Sophia Rodriguez, PO Yanique Jean, Sgt. Daniel Gong, Lt. Mauvin Bute, and Captain Erik Worobey of the 67th Precinct arrived at § 87(2)(b) in Brooklyn to arrest § 87(2)(b) on a domestic violence complaint. § 87(2)(b) was sleeping in his bedroom with his girlfriend, § 87(2)(b). § 87(2)(b) was awakened by sounds of the officers' radios on the other side of the apartment door. She went to the door, and PO Menelas, Cpt. Worobey, and the remaining officers entered the apartment (**Allegations A and B**). § 87(2)(b) alleged the following: PO Menelas twisted § 87(2)(b)'s wrists, causing him great pain (**Allegation C**). Officers, including PO Menelas, Sgt. Gong, and Lt. Worobey used physical force against him (**Allegations D and E**). § 87(2)(b) alleged that PO Menelas told him to "Shut the fuck up" (**Allegation F**). § 87(2)(b) alleged that PO Jean stood in front of a light switch, effectively preventing her from recording the incident on her phone (**Allegation G**). § 87(2)(b) alleged that she asked PO Rodriguez for her name and shield number, and PO Rodriguez refused to provide it to her (**Allegation H**). PO Menelas placed a knee on the back of § 87(2)(b)'s head, causing § 87(2)(b) to yell that he could not breathe (**Allegations I and J**). An officer threatened to tase § 87(2)(b) if he did not be quiet (**Allegation K**).

Mediation, Civil and Criminal Histories

- § 87(2)(b)'s arrest rendered this case ineligible for mediation (Board Review 1). His case remains open as of July 29, 2015 (Board Review 2).
- This report has been submitted pending a FOIL request filed on July 28, 2015, in regard to this incident (Board Review 3).

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- PO Menelas has been a member of service for nine years and has, including this case, six total allegations (Board Review 6). In his sole other CCRB case, his two abuse of authority allegations were exonerated.
- Sgt. Gong has been a member of service for ten years and has three total allegations (Board Review 7). In case 200806892, physical force was alleged, and it was unfounded. In case 201009596, physical force was alleged, and it was closed as complainant uncooperative.
- Cpt. Worobey has been a member of service for 12 years and has 36 total allegations (Board Review 8). Six of his prior force allegations have been exonerated, and one has been unsubstantiated. One of his prior entry allegations was exonerated, and the remaining two were closed as complainant uncooperative. Case 201502028, which contains an entry allegation, remains under investigation. In case 20150292, the entry allegation was substantiated, and charges were recommended by the CCRB.

- PO Jean and PO Rodriguez have been members of service for ten years, and this is their first CCRB complaint (Board Review 9 and 10).
- This is § 87(2)(b)'s second CCRB complaint (Board Review 11). § 87(2)(b)
[REDACTED]
- This is § 87(2)(b) and § 87(2)(b)'s first CCRB complaint (Board Review 12).

Potential Issues

This investigation was significantly delayed by the following factors: § 87(2)(b) was incarcerated at Rikers Island when the investigator received the case on February 24, 2015. His attorney did not consent to § 87(2)(b)'s participation in the investigation until March 6, 2015. On March 12, 2015, and April 20, 2015, attempts were made to interview § 87(2)(b) at Rikers, but the interviews could not be conducted due to the facility being on emergency lock-down.

Findings and Recommendations

Explanation of Subject Officer Identification:

- § 87(2)(g) § 87(2)(b) stated that the officer who placed his knee on the back of his neck also told him to "Shut the fuck up." § 87(2)(b) could not describe this officer because it was dark. § 87(2)(b) described the officer who placed his knee on § 87(2)(b)'s neck as a 40 year-old black male who stood 6'1" tall, with a muscular build and bald head (Board Review 13). She added that this officer had been to the apartment before looking for § 87(2)(b). This description is generally consistent with PO Menelas' MOS photo, which lists him as a § 87(2)(b)-old black male who stands 5'11" tall, weighs 250 pounds, and has short black hair and brown eyes (Board Review 14). PO Menelas acknowledged going to § 87(2)(b)'s home previous to this incident.
- § 87(2)(g) § 87(2)(b) described the officer who prevented her from recording the incident as a dark-skinned black female who stood 5'5" tall, weighed 175 pounds, and had her hair in a bun (Board Review 15). PO Jean is a dark-skinned § 87(2)(b)-old black female who stands 5'5" tall and weighs 180 pounds, with long black hair (Board Review 16). The other black officer present, PO Rodriguez, is a light-skinned § 87(2)(b)-old black female who stands 5'3" tall and weighs 120 pounds (Board Review 17). § 87(2)(b) also stated that the same female officer who told her to stop recording expanded her asp. PO Jean acknowledged expanding her asp during the struggle with § 87(2)(b) (Board Review 16).
- § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation A—Abuse of Authority: PO Ashland Menelas entered § 87(2)(b)

in Brooklyn.

Allegation B—Abuse of Authority: Cpt. Erik Worobey entered § 87(2)(b)

in Brooklyn.

§ 87(2)(b) was sleeping in the living room when she was awakened by the sound of the officers' radios. She got out of bed and went to the door. § 87(2)(b) acknowledged that she had trouble recollecting how the officers entered because she was half-asleep and disoriented. § 87(2)(b) thought that the door was open because one of the children left it ajar. She thought that the officers "bumped it," and when that happened, § 87(2)(b) put her hand on the knob to open the door. The officers entered the apartment past her. She did not expect so many officers to enter. § 87(2)(b) told the officers to come in. An officer said, "You know who we're here for." § 87(2)(b) did not know if it was an officer identified as PO Menelas or someone behind him. They never said that they had a warrant, but two of the officers, PO Menelas and PO Rodriguez had come to the apartment approximately one month before this incident and had said that they had a warrant for § 87(2)(b). § 87(2)(b) had let them in that time, but § 87(2)(b) was not home, so they did not arrest him. There was no further conversation at the door before the officers went to § 87(2)(b)'s room.

PO Menelas and the other officers were conducting a Domestic Violence initiative, meaning every week, a team goes to arrest people who have open 61s for domestic violence. Their goal is to knock on doors as early as possible. The officers arrived at § 87(2)(b), and knocked on the door. § 87(2)(b)'s mother answered the door. The officers asked her if § 87(2)(b) was there, and she said, "Yes, he's in the back." PO Menelas stated that this was not the first time he had dealt with § 87(2)(b). PO Menelas stated that § 87(2)(b) was wanted on a previous domestic violence complaint, and PO Menelas and other officers spoke to § 87(2)(b) before regarding that incident. That time, § 87(2)(b) said that she would tell him, and the officers left their cards and numbers. When they went in regard to that other complaint, § 87(2)(b) was "totally compliant." This incident was less than one year before the February 19, 2015, arrest.

Cpt. Worobey stated he was supervising the apprehension of § 87(2)(b) at his apartment. PO Menelas has a relationship with § 87(2)(b) and his family because of previous interactions with them. The officers knocked on the door. A female voice said, "Who is it?" and PO Menelas said something to the effect of "It's Officer Menelas" or "Police," or possibly both. A female who appeared to be § 87(2)(b)'s mother opened the door, and PO Menelas asked her if they could speak to § 87(2)(b). The female pointed to the back of the apartment, where § 87(2)(b) was sleeping. § 87(2)(b) said that he was in the bedroom "down that way" as she pointed. She did not do anything else to indicate that the officers could enter the apartment. The officers entered and walked toward § 87(2)(b)'s bedroom.

The police have the burden of establishing the existence, and the voluntariness, of consent Florida v. Bostick 501 U.S. 429, 438 (1991) (Board Review 27). Consent is invalid where given when an intrusion is already in progress People v. Packer 851 N.Y.S.2d 40 (2008) (Board Review 28). Absent consent, a warrantless entry for the purpose of arrest would require exigent circumstances People v. McBride, 14 N.Y.3d 440 (2010) (Board Review 29).

§ 87(2)(g)

described his demeanor during the incident as calm. He denied tensing or moving his arms, and did not resist arrest in any way. He thought that the officers were aggressive with him because he is very muscular and tall.

§ 87(2)(b) stated when she filed the complaint via telephone that § 87(2)(b) sustained bruises because the officers twisted his arm (Board Review 20). The officers also kned § 87(2)(b)'s head. The officers handcuffed § 87(2)(b) too tightly. In her phone statement, she added that the officers prevented § 87(2)(b) from watching what happened to § 87(2)(b) in the bedroom by blocking her in another bedroom (Board Review 21). She saw the officers bring § 87(2)(b) out of his room in his underwear. The officers placed him in handcuffs and § 87(2)(b) screamed, "They're too tight!" A female officer placed her knee on § 87(2)(b)'s head. § 87(2)(b) sustained swelling around his wrists and knee. In her interview, she stated that she sat in a chair in the living room while the officers went to § 87(2)(b)'s bedroom (Board Review 13). She heard § 87(2)(b) yell, "You're twisting my arm!" from the bedroom, so she walked back to see what was happening. Officers blocked the door and prevented § 87(2)(b) from entering. She went into another bedroom and heard § 87(2)(b) yell, "You're twisting my arm! You're twisting my arm! Stop twisting my arm! Let me put my clothes on!" The officers pulled him into the hallway. His arm was behind his back, and the officers were pushing him. An officer identified as PO Menelas was twisting § 87(2)(b)'s arm. He was not in handcuffs. § 87(2)(b) was not resisting in any way. § 87(2)(b) never heard officers issue instructions to § 87(2)(b). § 87(2)(b) yelled, "What are you doing? Why are you holding his arm like that?" An officer identified as PO Rodriguez blocked § 87(2)(b)'s view. Officers took § 87(2)(b) down the hallway and into the living room. § 87(2)(b) heard a loud noise in the living room and told § 87(2)(b) to go check on him. § 87(2)(b) told § 87(2)(b) that the officers had § 87(2)(b) on the floor. One of the officers had his knee in his back as he twisted § 87(2)(b)'s arm. § 87(2)(b) kept saying, "Let me put my clothes on." The officers picked him up, put his clothes on, and took him outside. § 87(2)(b) did not see § 87(2)(b) after he was taken out of the bedroom; her view was still blocked by PO Rodriguez. § 87(2)(b) told § 87(2)(b) what she saw after the incident.

§ 87(2)(b) stated that § 87(2)(b) said that he needed to use the restroom (Board Review 15). Before he could exit the bed, four officers jumped on top of him and tried to push and pull him out of bed. The officers never told him to exit the bed or issued any other commands before they did this. The officers put one cuff on § 87(2)(b)'s arm while he was still in the bed. The officers pulled him out of bed and into a standing position. An officer identified as PO Menelas was twisting § 87(2)(b)'s right wrist after the handcuff was placed on it. § 87(2)(b) complained about the pain in his wrists. Another officer brought his left arm around his back to meet his right. They placed the other handcuff on his left wrist when he was standing next to the bed. § 87(2)(b) estimated that it took between five and ten minutes to place § 87(2)(b) in handcuffs. She thought that it took so long because PO Menelas was twisting his wrist, causing him intense pain and making it impossible for him to place his wrist behind his back. The officers brought § 87(2)(b) into the hallway and PO Menelas continued to twist his wrists. § 87(2)(b) said, "I have no problem walking! Please let my wrists go!" § 87(2)(b)'s right wrist was twisted almost 360 degrees and § 87(2)(b) thought it might have been broken. § 87(2)(b) jerked his arms to try and shake off PO Menelas, and PO Menelas said, "Don't move like that!" Immediately following this, the officers brought him to the floor at the entrance to the living room. They brought him to the floor by lifting his arms behind his back and pushing his body forward. He dropped to his knees and then went to his stomach. Four officers jumped on top of him. PO Menelas placed a knee on his spine. § 87(2)(b) never saw an officer place a knee on his neck. § 87(2)(b) started crying and

told the officers to get off of him. He said he could not breathe two times. He could not breathe because of the knees in his back. § 87(2)(b) was standing in the living room and could see what was happening. § 87(2)(b) did not resist in any way. He was moving his arms because he was in so much pain, but did not try and do anything besides untwist his wrists. He did not move his legs or torso in any way. § 87(2)(b) acknowledged that cuffs are not comfortable, but added that PO Menelas made it “much worse.” PO Menelas then stood at § 87(2)(b)'s head and pulled his wrists toward him, causing him to slide six or seven inches forward. § 87(2)(b) thought that they were “just beating on him, like they had a grudge against him.” PO Menelas lifted § 87(2)(b) off the ground by his handcuffs and escorted him to the door. She mentioned that § 87(2)(b) and PO Menelas “had words with each other” because they knew each other from a previous incident. § 87(2)(b) went to visit § 87(2)(b) in jail a few days after the incident, and his wrists were bruised and swollen.

PO Menelas prepared § 87(2)(b)'s arrest report. It notes, “During the attempt to arrest the offender, he pushed officers and began swinging his arms in a violent manner trying to prevent the arrest” (Board Review 1). The arrest report indicated that force was not used. § 87(2)(b)'s arrest photo states that he is a § 87(2)(b)-old male who stands 5’11” tall and weighs 275 pounds (Board Review 22).

PO Menelas stated that he has arrested § 87(2)(b) on previous incidents, and he has always been calm and compliant (Board Review 23). On this date, when the officers told § 87(2)(b) that he had to come with them, § 87(2)(b) said he was not going and that the officers were going to have to make him. The officers tried to convince him to come with them for three or four minutes. § 87(2)(b) and § 87(2)(b)'s brother, § 87(2)(b) were also telling § 87(2)(b) to go with the officers. § 87(2)(b) tried to push past one of the officers on PO Menelas' left, and “that was when it escalated.” The officers told § 87(2)(b) to give them his hands, and he refused. § 87(2)(b) began “pushing the officers all over the room.” PO Menelas and Sgt. Gong were struggling to grab his left hand. § 87(2)(b) tried to push PO Menelas with his head, and made contact with his side, but did not cause him to fall. PO Menelas was able to grab his left hand. One of the officers on the other side grabbed his right hand and cuffed it to the bed. PO Menelas tried to bring his left hand behind his back. All seven officers were struggling with him in the room for three or four minutes. § 87(2)(b) finally gave up, and the officers brought his arms together. They had to use two sets of handcuffs. § 87(2)(b) remained standing during the struggle and the handcuffing. No officer had to jump on top of the bed, and nobody was on top of § 87(2)(b). The officers walked § 87(2)(b) out of the bedroom and in the hallway. PO Menelas never dragged him, and he never saw another officer do this. PO Menelas added that § 87(2)(b) was too big to drag. PO Menelas stood on § 87(2)(b)'s right side and held his right arm underneath his biceps. PO Menelas was not sure which officer was on § 87(2)(b)'s left side. PO Menelas never twisted his wrists, and he never saw another do this. When they arrived in the living room, § 87(2)(b) “threw himself onto the floor” by going limp and dropping his weight. PO Menelas never pushed or pulled § 87(2)(b) to the ground, and he never saw another officer do this. § 87(2)(b) said, “Fuck this. I’m not going.” PO Menelas did not place a knee on his back on the back of his neck, and he never saw another officer do these things. While § 87(2)(b) was on the floor, he said that he could not breathe. PO Menelas asked if § 87(2)(b) had any ailments or needed an asthma pump. He offered to call an ambulance. § 87(2)(b) said something about asthma, and PO Menelas asked if there was any medication that he needed. § 87(2)(b) did not reply, and he did not repeat that he could not breathe. The officers lifted him off the floor, which was difficult, because he was so heavy. They dressed him and brought him downstairs. At the stationhouse, § 87(2)(b) complained

to PO Menelas that his wrist hurt, and PO Menelas said, “Don’t you remember? You were handcuffed to the bedpost, and you were trying to rip the handcuffs off of the bedpost. That’s why you have the marks on your wrists.” He offered § 87(2)(b) EMS for his wrists, and § 87(2)(b) said he did not. This was the only time he heard any complaints from § 87(2)(b) or anyone else about § 87(2)(b)’s wrists.

PO Jean corroborated most of PO Menelas’ statement (Board Review 16). She added that when § 87(2)(b) exited the bed, he stated that he needed to use the restroom. The officers told him that he could not use the restroom at that time, but they would allow him to do so before he left. § 87(2)(b) then tried to pass the officers by walking around them. The officers prevented him from moving by standing in front of him. PO Jean, Capt. Worobey, Sgt. Gong, and PO Menelas tried to place him in handcuffs, but § 87(2)(b) refused and was still fighting. After § 87(2)(b)’s hand was cuffed to the bed, § 87(2)(b) tried to move past the officers, and the bed moved with him. § 87(2)(b) was never on the ground at any point. He was standing when he was handcuffed and walked out of his bedroom. PO Jean followed behind him and spoke to § 87(2)(b) in the hallway. PO Jean could not recall where PO Menelas was at this point; she thought that Lt. Bute and Sgt. Gong escorted § 87(2)(b) out of the bedroom. Nothing happened in the hallway or the living room, and PO Jean never saw him on the ground at any point. She never heard him say that he could not breathe or saw an officer place a knee on his back or neck. PO Jean never heard § 87(2)(b) complain of any injuries, and she never observed any injuries on him.

Sgt. Gong stated that after § 87(2)(b) was placed in handcuffs, Sgt. Gong exited the apartment to request a cage car to transport § 87(2)(b) (Board Review 24). The officers remaining in the apartment retrieved § 87(2)(b)’s clothing. Sgt. Gong never saw § 87(2)(b) on the ground at any point. Sgt. Gong did not see or know of any additional force being used after § 87(2)(b) was handcuffed. He never saw PO Menelas or any other officer twist § 87(2)(b)’s wrists, and he never heard him complain of pain or that he could not breathe.

PO Rodriguez corroborated PO Jean’s statement that § 87(2)(b) said he wanted to use the restroom and became agitated when the officers prevented him from doing so (Board Review 17). § 87(2)(b) started screaming loudly. PO Rodriguez had no physical contact with § 87(2)(b) and stood near the bedroom door. The rest of the officers were trying to handcuff § 87(2)(b). PO Rodriguez never saw an officer on top of the bed. § 87(2)(b) was compliant once he was placed in handcuffs. He walked out of his bedroom. She never saw an officer drag him. PO Rodriguez led the way out of the apartment. She did not know which officers were walking with § 87(2)(b) because she was in front and looking ahead. To her knowledge, § 87(2)(b) was never on the ground. She thought that § 87(2)(b) might have said that his handcuffs were tight, but she was not certain if he said that during this arrest or a previous one. She never heard him complain about an officer twisting his wrists, and he never saw an officer do this. She never heard him say that he could not breathe, or saw an officer with a knee on his neck or back.

Cpt. Worobey stated that § 87(2)(b) stood up from the bed and started walking toward the door (Board Review 25). He did not state anything about needing to use the restroom before this. Cpt. Worobey thought he might exit the apartment, so he instructed the officers to handcuff § 87(2)(b). Cpt. Worobey went to § 87(2)(b)’s left side and grabbed his arm. During the struggle, Cpt. Worobey lost his balance and fell onto the bed. He then knelt on the bed and handcuffed § 87(2)(b)’s left hand to the bed rail. After he was handcuffed, Cpt. Worobey stood on one of his sides to bring him out of the bedroom. The officers had to push § 87(2)(b) out because he was trying to move backward instead of forward. Cpt. Worobey never dragged § 87(2)(b) and he never saw another officer do this. In the hallway, § 87(2)(b) sat on his buttocks with his back straight and his

feet in front of him. Cpt. Worobey was not sure how § 87(2)(b) came to be on the ground. He could not recall if officers brought him to the ground. § 87(2)(b) said that he could not breathe, and Cpt. Worobey offered to call an ambulance. Cpt. Worobey never saw anything that would have impeded § 87(2)(b)'s breathing, and § 87(2)(b) never said anything about his positioning impeding his breathing. An officer was never on top of § 87(2)(b) and he never saw an officer place a knee on his back or neck. Cpt. Worobey added that § 87(2)(b) was dressed while he was on the ground because it is easier to dress someone in handcuffs while they are seated. § 87(2)(b) was in a seated position for approximately two minutes. Cpt. Worobey never saw an officer twist his wrists or heard § 87(2)(b) complain about his wrists.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation F—Discourtesy: PO Ashland Menelas spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that an officer identified as PO Menelas told him to “Shut the fuck up” two times while he was being handcuffed.

Upon being asked, § 87(2)(b) confirmed that she heard officers tell § 87(2)(b) to “Shut the fuck up.” She thought she heard two or three officers say “Shut the fuck up” three or four times. She did not provide additional details about which officers said this.

§ 87(2)(b) did not allege that any officer used any profanity during the incident.

PO Menelas denied telling § 87(2)(b) to be quiet or to “Shut the fuck up,” and he never heard another officer say these things.

PO Jean could not recall if she ever heard an officer tell § 87(2)(b) to be quiet, but she denied hearing an officer tell him to “Shut the fuck up.” She stated that § 87(2)(b) was cursing at the officers, but they did not respond to his cursing. She could not recall exactly what § 87(2)(b) was saying.

Sgt. Gong never heard an officer tell § 87(2)(b) to “Shut up,” or “Shut the fuck up.”

PO Rodriguez only heard § 87(2)(b) yell when the officers were struggling to place him in handcuffs. She never heard § 87(2)(b) yell at any other time. An officer never told him to be quiet or to “Shut the fuck up.”

Cpt. Worobey never heard an officer tell § 87(2)(b) to “Shut the fuck up.”

§ 87(2)(g)

Allegation G—Abuse of Authority: PO Yanique Jean interfered with § 87(2)(b) ability to photograph an incident.

§ 87(2)(b) stated that in the bedroom, she tried to walk closer to § 87(2)(b) and the officers. PO Jean told her to move back, and § 87(2)(b) said she would not move back because she needed to see what the officers were doing. § 87(2)(b) yelled to § 87(2)(b) to record the officers. § 87(2)(b) found her phone on top of her dresser and tried to record, but it was too dark to see. She tried to turn on the light, but PO Jean stood in front of the switch, preventing her from turning it on. PO Jean saw § 87(2)(b) take out her phone and knew that she was trying to record the incident. PO Jean said, “There’s no need for all of that,” referring to § 87(2)(b) recording.

§ 87(2)(b) and § 87(2)(b) did not mention that § 87(2)(b) was trying to record the incident, or that officers prevented her from recording in any way. § 87(2)(g)

PO Jean stated that § 87(2)(b) walked back and forth between the bedroom and the hallway. She was trying to talk to § 87(2)(b) and tell him to go with the officers. She never saw § 87(2)(b) trying to record the incident. She never saw her with her phone out or heard her say that she was trying to record. PO Jean could not recall if the lights were on; she remembered telling § 87(2)(b) to turn on the light, but was not certain if § 87(2)(b) did. There was light spilling into the bedroom from the hallway, but it was dark enough that the officers needed to use their flashlights. PO Jean never told § 87(2)(b) to turn off the light. She never prevented her from turning on the light or recording in any way. PO Jean added that she “had no problem” with § 87(2)(b)

PO Menelas stated that § 87(2)(b) exited the bed and went to the hallway. § 87(2)(b) took out her phone and said something about recording. Lt. Bute said, “Yeah, record it! Record it!” and asked if she could email to video to the officers. § 87(2)(b) put her phone away. PO Menelas never saw § 87(2)(b) recording in the bedroom. No officer ever told her that she could not record. No officer ever turned off the light or prevented her from turning on the light. There were no lights in the room; the officers had to use their flashlights to avoid working in darkness.

Cpt. Worobey never saw § 87(2)(b) with her phone out. She never said that she was recording the incident. He did not see an officer tell her to keep recording or to stop recording. He was not sure if the lights were turned on at any point. He never saw an officer turn off the lights.

Sgt. Gong stated that § 87(2)(b) was not in the bedroom when the officers were trying to handcuff § 87(2)(b). Sgt. Gong never saw § 87(2)(b) holding her cell phone or trying to record the incident. The lights were off in the bedroom the entire time.

PO Rodriguez stated that when the officers were trying to convince § 87(2)(b) to exit the bed and come with the officers, § 87(2)(b) reentered the bedroom from the hallway. She took out her cell phone and appeared to be recording. Cpt. Worobey told her to keep recording. PO Rodriguez did not recall anyone telling § 87(2)(b) to stop recording. PO Rodriguez never saw an officer prevent § 87(2)(b) from recording in any way. The bedroom was dark, and someone in the hallway told the officers in the bedroom that the lights did not work.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation H— Abuse of Authority: PO Sophia Rodriguez refused to provide her name and shield number to § 87(2)(b)

§ 87(2)(b) said in her phone statement that as soon as the officers entered the apartment, she asked all of them for their names and shield numbers, and they did not provide them (Board Review 20). In her interview, she only alleged that she asked PO Rodriguez for her name and shield number. § 87(2)(b) said that when the officers were handcuffing and escorting § 87(2)(b) out of the apartment, she went to her other sons' bedroom to try and calm them down. PO Rodriguez blocked § 87(2)(b) so that she could not see what the officers were doing to him. § 87(2)(b) said to her, "You're not going to tell me I can't go into my own apartment to see what it going on with my son." § 87(2)(b) was unable to see PO Rodriguez's name and shield number because PO Rodriguez was wearing a vest that concealed her shield. § 87(2)(b) asked PO Rodriguez for her name and shield number while she was still blocking § 87(2)(b)'s view of the hallway. PO Rodriguez said, "I have no problem giving it to you. Let them do what they're going to do." PO Rodriguez never provided her information.

§ 87(2)(b) stated that while she and § 87(2)(b) were in the bedroom with the officers, § 87(2)(b) asked the officers for their shield numbers. § 87(2)(b) was in the living room when she asked. § 87(2)(b) thought § 87(2)(b) asked three or four times. She was directing her question at "all of the officers" and not any one specifically. The officers heard § 87(2)(b) ask, but they ignored her.

§ 87(2)(b) did not mention that § 87(2)(b) or anyone else asked for officers' names or shield numbers.

PO Rodriguez stated that § 87(2)(b) never said that she wanted to walk and see what was happening with § 87(2)(b). "She already knew what was going on," added PO Rodriguez. "We had arrested him for the same thing before." § 87(2)(b) did not seem concerned about how the officers were dealing with § 87(2)(b). PO Rodriguez never blocked § 87(2)(b)'s mother with her body to prevent her from going to see § 87(2)(b). PO Rodriguez added that § 87(2)(b) is much larger than her. PO Rodriguez spoke to § 87(2)(b) in the living room about the female who filed the report. "Why do you keep listening to her?" § 87(2)(b) asked. § 87(2)(b) was approximately arm's length away from PO Rodriguez when they were speaking. PO Rodriguez could not recall if § 87(2)(b)'s mother ever asked PO Rodriguez for her name or shield number. She knew that § 87(2)(b)

§ 87(2)(b) has her card because she gave it to her on a previous occasion. If she had been asked, she would have provided her information. She never refused to provide her information in any way. She never told § 87(2)(b) that she would provide her name and shield number, but first had a job to do.

PO Jean stated that § 87(2)(b) was asking § 87(2)(b) to “just go” with the officers. She never heard § 87(2)(b) ask for any officers’ names or shield numbers. PO Jean added that the officers did a home visit the day before this incident and had spoken to § 87(2)(b). PO Jean thought that § 87(2)(b) knew PO Menelas because he had dealt with § 87(2)(b) in previous incidents.

Sgt. Gong stated that he did not see § 87(2)(b) or § 87(2)(b) after the officers entered the bedroom. Neither § 87(2)(b) nor § 87(2)(b) said anything to the officers, and they did not ask them any questions. Sgt. Gong never heard them ask for officers’ names or shield numbers.

Cpt. Worobey could not recall if officers spoke to § 87(2)(b). Cpt. Worobey was dealing with § 87(2)(b) the entire time. In the living room, he was making sure that § 87(2)(b) was dressed. Cpt. Worobey never heard any of the civilians’ ask for an officer’s name or shield number.

PO Menelas stated that he could not recall if any of the civilians asked any of the officers for their names or shield numbers. He noted that he had given § 87(2)(b) his card on a previous visit.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation K— Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged in her interview, but not when she filed the complaint or in her phone statement, that she heard a female officer say, “If he doesn’t be quiet, I’m going to tase him.” § 87(2)(b) could not see who this officer was because it was dark. § 87(2)(b) heard the Taser make a buzzing sound.

Neither § 87(2)(b) nor § 87(2)(b) alleged that an officer said this.

PO Rodriguez stated that she never heard an officer threaten to use her Taser on him if he was not quiet. The only time she heard § 87(2)(b) yell was when the officers were struggling to place him in handcuffs in the bedroom. No officer ever told § 87(2)(b) to be quiet.

It should be noted that only some sergeants, lieutenants, and ESU officers carry Tasers. Police Officers such as PO Rodriguez and PO Jean do not carry Tasers (Board Review 26).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Pod: 8

Investigator: _____
Signature Print Date

Pod Leader: _____

	Title/Signature	Print	Date
Attorney:	_____	_____	_____
	Title/Signature	Print	Date